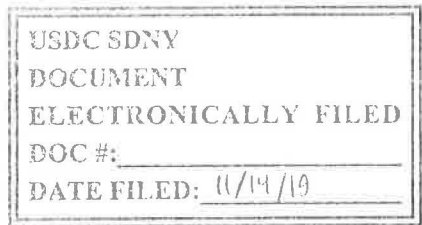


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



ASSET BASED VALUE CORP.,

Plaintiff,

-v-

RICHARD SHULMAN,

Defendant.

18 Civ. 8123 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has reviewed the letter from defendant Richard Shulman, Dkt. 27, seeking an emergency phone conference and the letter in opposition from plaintiff Asset Based Value Corp. (“ABV”), Dkt. 28. The letters are prompted by the imminent eviction of Mr. Shulman from the apartment that he previously owned, but which was sold following the entry of judgment against him.

The Court declines to intervene or to schedule a conference. Contrary to defendant’s characterization, the Court, in denying defendant’s application for emergency relief on July 25, 2019, did not order relief. The Court instead encouraged the parties to discuss a potential settlement under which Mr. Shulman could buy back the apartment, assuming that he had the assets to do so in a manner that made the purchaser and ABV whole. There accordingly has been no breach of any court order, and there is no charter for this Court to act.

In any event, although the following is not necessary to the ruling above, the Court notes that, based on counsels’ competing letters, there is no indication that Mr. Shulman has ever represented to ABV that he has the assets available to repurchase the apartment on terms that would make the purchaser and ABV whole. Nor does he so represent to the Court. If Mr.

Shulman in fact has such assets, he may wish urgently to concretely demonstrate his ability to pay to ABV and the purchaser, in the event that these entities are open to settlement at this late date.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer", is written over a horizontal line.

PAUL A. ENGELMAYER
United States District Judge

Dated: November 14, 2019
New York, New York